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ON PETITION

In re Application of
Taylor et al.
Application No. 09/511,991
Filed: February 24, 2000
Attorney Docket No. Time.43/JSF04-0001

This decision concerns the January 7, 2004 petition under 37 CFR 1.137(a) which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED**.

The application was held abandoned as of August 31, 2003 for failure to timely file a proper response to the May 30, 2003 non-final Office Action.

The instant petition asserts that a timely response was submitted by facsimile on August 26, 2003. In support, the petition is accompanied by copies of the purportedly transmitted amendment, transmittal form and "Fax Certification." The transmittal bears an August 26, 2003 certificate of transmission by facsimile. In addition, the "Fax Certification" points out that the facsimile was transmitted to the number "703 746-6070" which has been verified by the Examiner as the proper number.

In view of the above, the amendment should have been considered timely filed on August 26, 2003, and the application should not have been held abandoned. The holding of abandonment in this application is hereby withdrawn, and the December 30, 2003 Notice of Abandonment vacated. The petition is thus granted.

No petition fee is owed. As authorized, the \$55 petition fee intended for the §1.137(a) petition has been credited to Deposit Account No. 50-2697.

Finally, the petition, filed by Assignee, uses Assignee's correspondence address which differs from that in the USPTO record for this application. While the decision is being mailed to Assignee at the address indicated in the petition, all future correspondence on this application will be mailed to the current correspondence-address-of-record unless the USPTO is properly instructed otherwise.

The application file is being returned to Technology Center 2600 for continued examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions